

FISCAL NOTE

SB 4087 - HB 4060

March 2, 2008

SUMMARY OF BILL: Requires penalty revenue paid to the Department of Environment and Conservation (TDEC) by any entity committing a violation for the dumping of solid, hazardous, toxic, or nuclear waste to be used by the department for remediation costs related to the violation. Prohibits the violating entity from contracting for remediation services. Prohibits pre-trial diversion in such cases.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$10,000,000

Other Fiscal Impact – If the provisions of the bill are interpreted to confer liability for the remediation of illegal dumping to the state, there is estimated to be an increase in state expenditures that will not be entirely offset by increases in penalty revenue due to caps on penalties and the possibility that the violator is bankrupt in some cases. Liability to the state for which the state does not receive equal penalty revenue is estimated to exceed \$5,000,000.

Assumptions:

- The provisions of the bill confer liability to the state for the remediation of illegal dumping.
- There will be no increase in state revenue. The bill does not increase civil penalties but redirects the civil penalties to require their use for remediation activities.
- An increase in state expenditures exceeding \$10,000,000 to pay for remediation services at contaminated sites.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/cce